

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JULIUS BANNERMAN, JR.,

Defendant-Appellant.

UNPUBLISHED

May 11, 1999

No. 202887

Wayne Circuit Court

Criminal Division

LC No. 94-013774

Before: Gage, P.J., and Gribbs and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals by right the three to five-year sentence entered on his guilty plea to a probation violation charge, based on a conviction for receiving and concealing stolen property over \$100. MCL 750.535; MSA 28.803. We affirm.

Defendant pleaded guilty to receiving and concealing stolen property, and was placed on three years probation. He pleaded guilty to violating probation, based on his failure to report to his probation officer after his release from parole camp. On appeal, defendant asserts that his sentence is disproportionate.

There is no merit to this issue. *People v Cotton*, 209 Mich App 82; 530 NW2d 495 (1995). Defendant's sentence was within the guidelines range for the underlying offense, and the sentence is presumptively proportionate. *Id.* The trial court specifically noted defendant's extensive prior record and previous failures on probation to support the sentence. Defendant has failed to present any unusual circumstances to overcome the presumption of proportionality. *Id.*

Affirmed.

/s/ Hilda R. Gage

/s/ Roman S. Gribbs

/s/ Joel P. Hoekstra